

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGEL R. VARGAS,
:
Plaintiff,
:
-against-
:
CITY OF NEW YORK, *et al.*,
:
Defendants.
:
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: October 23, 2014

13 Civ. 1971 (PAC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

In March 2013, *pro se* Plaintiff Angel R. Vargas (“Plaintiff”) brought this action against several corrections officers and the City of New York (collectively, “Defendants”) under 42 U.S.C. § 1983, alleging that he was attacked by corrections officers, while being prepared for transfer from the Manhattan Detention Complex to the Eric M. Taylor Center on Rikers Island, after refusing to remove prayer beads he was wearing. On April 30, 2013, the Court referred the matter to Magistrate Judge James L. Cott.

As set out in Magistrate Judge Cott’s Report and Recommendation (“R & R”) of July 7, 2014, as well as in Defendants’ submissions, Plaintiff failed to respond to discovery requests made on November 18, 2013, and has not participated in the prosecution of this action. Magistrate Judge Cott warned Plaintiff on two occasions that his failure to respond to Defendants’ discovery requests may lead to dismissal of the action. (Dkt. 31, 33). On July 7, Magistrate Judge Cott issued the R & R recommending that Plaintiff’s action be dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). (Dkt. 35).

The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The Court may adopt those portions of the R & R to which no timely objection has been made, so long as there is no clear error on the face of the record. *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). After being served with a copy of Magistrate Judge Cott’s recommended disposition, Plaintiff had fourteen days to file specific written objections to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Plaintiff’s failure to file timely objections to the R & R results in waiver of those objections. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985). Thus, the Court reviews the R & R for clear error. Having found none, the Court hereby adopts the R & R in full. Accordingly, the complaint is dismissed, with prejudice. The Clerk of Court is directed to enter judgment and close this case.

Dated: New York, New York
October 23, 2014

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies mailed to:
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